

REMARKS

Upon entry of this amendment, claims 21-34 will be pending.

The title has been amended to correspond to the amended title of parent U.S. Patent Application 09/077,049. The specification has been amended to replace the title heading and to add a claim of priority to the same parent application. Claims 1-20 have been canceled.

Claims 21-34 have been added. No new matter has been added. Claims 21-34 are supported by the specification and claims as originally filed, in particular by the specification, page 5, line 5, and page 15, last line. If *in haec verba* support is found lacking, the specification would have clearly conveyed possession of the subject matter to a person of skill in the art. Claims 21-34 thus satisfy the written description requirement of the first paragraph of 35 U.S.C. § 112. *See* M.P.E.P. § 2163.02 (8th ed., 2001).

Claims 21, 32, and 34 contain the word “substantially.” The Federal Circuit has held that terms such as “substantially,” which are widely used in patent claims, are acceptable if reasonably describing the claimed subject matter to a person of skill in the art. *See Exxon Research and Eng’g Co. v. U.S.*, 60 U.S.P.Q.2d 1272 (Fed. Cir. 2001); *Ecolab Inc. v. Envirochem Inc.*, 60 U.S.P.Q.2d 1173 (Fed. Cir. 2001) (citing *Andrew Corp. v. Gabriel Electronics, Inc.*, 847 F.2d 819, 6 U.S.P.Q.2d 2010 (Fed. Cir. 1988)). The Board of Appeals and Patent Interferences has also repeatedly held that claims containing the term “substantially” satisfy the definiteness requirement of the second paragraph of 35 U.S.C. § 112. *See Ex parte Sabin*, 139 U.S.P.Q. 528 (BPA&I 1963); *Ex parte Benning*, 128

U.S.P.Q. 97 (BPA&I 1960); *Ex parte Butler*, 116 U.S.P.Q. 597 (BPA&I 1958); *Ex parte Roundy*, 79 U.S.P.Q. 96 (BPA&I 1948); *Ex parte Stephens*, 71 U.S.P.Q. 304 (BPA&I 1946); *Ex parte Kiser*, 69 U.S.P.Q. 185 (BPA&I 1946). Finally, the M.P.E.P. allows for “substantially” in the claims. *See* M.P.E.P. § 2173.05(b)D (8th ed., 2001). A person of skill in the art would understand that while (C) and/or (E) may react to some extent, such reaction must be insufficient to adversely affect processing, storage, or transport of the resin system in a container (specification, page 7, lines 11-13 and penultimate paragraph, and page 8, last two lines).

Applicant submits that this application is now in condition for examination on the merits. If the Office has questions, the Office is invited to call Applicant’s Representative directly at (202) 974-6018.

Please charge or credit Deposit Account No. 12-2475 for all fees as needed.

Respectfully submitted,

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